



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 11, 2006

The Honorable Peter F. Bergin
House Executive Departments and Administration Committee
LOB 306
Concord, NH 03301

Re: HB 1347, relative to licensure, registration, or certification of regulated professions

Dear Representative Bergin and Members of the Committee:

Thank you for the opportunity to comment on HB 1347, relative to licensure, registration, or certification of regulated professions. The Department of Environmental Services supports the effort to bring clarity to the terms license, registration, and certification, but has concerns about the bill as drafted.

By its terms, the bill applies to "state regulatory board[s] and commissions" that regulate individuals engaged in regulated occupations. The bill amends RSA 332-G, which suggests that it is intended only to apply to occupations regulated under Title 30 (Occupations and Professions) of the Revised Statutes Annotated. However, there are several regulated occupations not covered by Title 30. For example, the Department issues licenses or certifications to asbestos abatement contractors, septic system designers and installers, wastewater treatment plant operators, drinking water treatment plant or distribution system operators, solid waste operators, and hazardous waste coordinators; the Department also registers hazardous waste transporters. Of these, only drinking water treatment plant/distribution system operators are regulated under Title 30 (ref. RSA 332-E). Based on the bill as drafted, the Department is uncertain as to whether the definitions of licensure, certification, and registration would apply to all of the other occupations regulated by the Department.

It also is unclear from the bill as drafted whether the terms will apply retroactively to redefine existing statutory language. That is, it is unclear whether a regulatory board that currently operates under a statute that uses the term "certification" or "registration" will now be restricted in what it can consider if the process established by the statute is "licensure" as defined in HB 1347. Will it be necessary to review each of the statutes to determine whether amendments are necessary?

The Department believes that the bill can achieve its intended purpose if these uncertainties are addressed, and is willing to work with a subcommittee, if one is formed, to bring clarity to the bill.

Thank you for your consideration of these comments. If you have any questions, please contact Gretchen Hamel, Legal Unit Administrator, at 271-3137 or ghamel@des.state.nh.us.

Sincerely,

Michael P. Nolin
Commissioner

cc: Representative Betsey Patten
Representative Nelson Allan
Representative Sheila Francoeur
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